

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

## REMARKS

### Request for Reconsideration, Informal Matters, Claims Pending

The final Office Action mailed on 3 November 2004 has been considered carefully. Reconsideration of the claimed invention in view of the amendments above and the discussion below is respectfully requested.

Applicants note, for the record, that the Examiner's reference to U.S. Patent No. 5, 884,193 (Spaur) was incorrect in the Office Action mailed on 10 March 2004. No such patent number has been cited in the referenced application. The correct Spaur Patent No. is U.S. Patent No. 6,516,192, which patent was addressed in Applicants' response on 9 July 2004.

Regarding the objection to Claim 5, the Examiner has properly interpreted the amendment of Claim 5 in Applicants' response filed on 9 July 2004. Particularly, the added limitation is - - before receiving the service information - - . The Applicant incorrectly underlined the originally filed term "information" preceding the added phrase. Claim 5 has been amended above to reflect the change intended.

Regarding Claim 13, the Examiner has properly interpreted the amendment of Claim 13 in Applicants' response filed on 9 July 2004 as including the term - - the - - in place of the canceled term "a". Claim 13 has been amended above to reflect the addition of the term - - the - - .

No new matter has been entered and no new issues are raised by the amendment above.

Claims 1-13 and 15-20 are pending.

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

## Allowability of Claims Over Spaur

### Rejection Summary

Claims 1-13 and 15-20 stand rejected under 35 USC 102b) as being anticipated by U.S. Patent No. 6,516,192 (Spaur). Office Action, 3 November 2004, para. 3.

### Discussion of Claim 1

Claim 1 has been amended to provide a more clear antecedent basis for "the mobile wireless communication device", which limitation was recited in the originally filed claim, to which services are provided. This amendment raises no new issues. In previously amended Claim 1, it was clear that the mobile wireless communication device dynamically selects services for the mobile wireless communication device. The Examiner's interpretation of the claims in the office action support this contention since the Examiner attempts to read the prior art on a "mobile unit" of Claim 1.

Contrary to the Examiner's assertion, Spaur fails to disclose or suggest a

... method in a mobile wireless communication device for dynamically selecting communication services from a plurality of service providers capable of providing communication services to the mobile wireless communication device, comprising:  
establishing communication objectives at the device for corresponding communications to be executed by the device;

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

selecting one of the communication services for each communication to be executed by the device based on the corresponding established communication objectives;

utilizing the selected communication service at least for the communication whose communication objective formed the basis upon which the communication service was selected.

The communication system (10) of Spaur is not a "... mobile wireless communication device for dynamically selecting communication services from a plurality of service providers capable of providing communication services to the mobile wireless communication device ...." The communication system (10) of Spaur is a network infrastructure entity that sends data to a remote station. The Examiner's references to various passages of Spaur do not support the rejection. At col. 5: 40 – col. 6: 19, Spaur discusses the architecture of the communication system (10). At col. 6: 52-67, Spaur discusses the communication system (10) discusses bi-direction communications between the system (10) and a remote station using a spread spectrum downlink and a cellular digital packet data (CDPD) uplink. At col. 13: 13 & 49-51, Spaur discusses the communication system (10) identifying the availability of channels based on the location of a mobile station. At col. 10: 41-61, Spaur discusses the requirements on which the link selector (64) of the system (10) basis the channel selection. In Spaur, the communication system (10) selects the optimum network channel for a particular communication with a mobile device based on an analysis of application requirements or constraints that must be met by the network. Spaur is about the network making decisions for the mobile device. Claim 1 is about the mobile device making decisions for the mobile device. Claim 1 is thus patentably distinguished over Spaur.

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

### Discussion of Claim 2

Regarding Claim 2, Spaur fails to disclose or suggest, in combination with Claim 1,

... assessing the plurality of communication services relative to the communication objective for each communication before selecting one of the communication services.

In Spaur, the channel analysis occurs in the network, not in the mobile wireless communication device. Claim 2 is thus further patentably distinguished over Spaur.

### Discussion of Claim 3

Regarding Claim 3, Spaur fails to disclose or suggest, in combination with Claim 1,

... assessing a plurality of communication services relative to the communication objective for each communication during a communication.

In Spaur, the channel analysis occurs in the network, not in the mobile wireless communication device. Claim 3 is thus further patentably distinguished over Spaur.

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

#### Discussion of Claim 4

Regarding Claim 4, Spaur fails to disclose or suggest, in combination with Claim 1,

... receiving service information from the plurality of service providers at the device, assessing the communication services by comparing the service information received from the corresponding service providers at the device.

Spaur does not receive service information from the provider at the wireless unit. In Spaur, the channel selection decision is made by the link selector (64) at the communication system (10) (network) based on the application requirements and information in the communication link database (54), which is also part of the communication system (10). Claim 4 is thus further patentably distinguished over Spaur.

#### Discussion of Claim 5

Regarding Claim 5, Spaur fails to disclose or suggest, in combination with Claim 4,

... querying the plurality of service providers for service information before receiving the service information.

There is no disclosure in Spaur that the communication system (10) or the mobile unit queries service providers for service information. Claim 5 is thus further patentably distinguished over Spaur.

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

#### Discussion of Claim 6

Regarding Claim 6, Spaur fails to disclose or suggest, in combination with Claim 4,

... storing service information received from the service providers at the device, updating service information at the device.

There is no disclosure in Spaur that the mobile unit stores and updates service information. Claim 6 is thus further patentably distinguished over Spaur.

#### Discussion of Claim 7

Regarding Claim 7, Spaur fails to disclose or suggest, in combination with Claim 1,

... establishing a communication objective by specifying whether a communication to be executed by the device is a data communication or a voice communication.

Spaur merely obtains application bandwidth, security, packet loss, and jitter requirements from the application requirements database (64). Spaur, nevertheless, performs the analysis at the communication system (network), not at the mobile wireless communications device. Claim 7 is thus further patentably distinguished over Spaur.

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

Discussion of Claim 8

Regarding Claim 8, Spaur fails to disclose or suggest, in combination with Claim 1,

... establishing communication objectives by specifying at least one characteristic of a communication to be executed.

Spaur performs the channel analysis and selection at the network, not at the mobile wireless communications device. Claim 8 is thus further patentably distinguished over Spaur.

Discussion of Claim 9

Regarding Claim 9, Spaur fails to disclose or suggest, in combination with Claim 8,

... assessing communication services by determining which communication service optimally satisfies the specified characteristics of the communication to be executed.

Spaur performs the channel analysis and selection at the network, not at the mobile wireless communications device. Claim 9 is thus further patentably distinguished over Spaur.

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

Discussion of Claim 10

Regarding Claim 10, Spaur fails to disclose or suggest, in combination with Claim 1,

... establishing communication objectives by weighting at least one characteristic for each communication to be executed.

Spaur performs the channel analysis and selection at the network, not at the mobile wireless communications device. Claim 10 is thus further patentably distinguished over Spaur.

Discussion of Claim 11

Regarding Claim 11, Spaur fails to disclose or suggest, in combination with Claim 10,

... assessing the communication services by comparing the weighted characteristics of each communication to be executed to corresponding service characteristics of each of the communication services.

Spaur performs the channel analysis and selection at the network, not at the mobile wireless communications device. Claim 11 is thus further patentably distinguished over Spaur.



KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

### Discussion of Claim 12

Regarding Claim 12, Spaur fails to disclose or suggest, in combination with Claim 11,

... selecting a communication service having service characteristics that most closely correlate with the weighted characteristics of the communication to be executed.

Spaur performs the channel analysis and selection at the network, not at the mobile wireless communications device. Claim 12 is thus further patentably distinguished over Spaur.

### Discussion of Claim 13

Regarding independent Claim 13, contrary to the Examiner's assertion, Spaur fails to disclose or suggest a

...method in a mobile wireless communication device for selecting communication services available to the mobile wireless communication device, comprising:

establishing a communication objective at the device by identifying a characteristic of a communication to be executed by the device;

assessing a plurality of communication services based on communication service information received from a plurality of at least two communication service providers, by comparing the identified characteristic of the communication to be executed with a corresponding service characteristic of each of the plurality of communication services;

selecting a communication service from the plurality of communication services having the service characteristic that

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

correlates most closely with the identified characteristic of the communication to be executed by the device.

Spaur does not assess service information at the mobile unit. In Spaur, channel information is obtained from a communication link database (54) in the communication system (10) (network), and a link selector (64) subsequently selects the channel. In Spaur, both the link database and link selector are part of the network, not the mobile unit. Spaur, col. 5, line 32 - col. 6, line 51. Claim 13 is thus patentably distinguished over Spaur.

#### Discussion of Claim 15

Regarding Claim 15, Spaur fails to disclose or suggest, in combination with Claim 13,

... selecting a communication service before executing the communication, and selecting a different communication service during the communication.

Spaur performs the channel analysis and selection at the network, not at the mobile wireless communications device. Claim 15 is thus further patentably distinguished over Spaur.

#### Discussion of Claim 16

Regarding Claim 16, Spaur fails to disclose or suggest, in combination with Claim 13,

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

... weighting the one or more identified characteristics of the communication to be executed,  
assessing the communication services by comparing the weighted characteristics of the communication to be executed to similarly weighted corresponding characteristics of each of the communication services.

Spaur performs any weighting at the network, not at the mobile unit. Claim 16 is thus further patentably distinguished over Spaur.

#### Discussion of Independent Claim 17

Regarding independent Claim 17, contrary to the Examiner's assertion, Spaur fails to disclose or suggest,

... mobile wireless communication device, comprising:  
means for identifying a characteristic of a communication to be executed by the device;  
means for assessing service information received from a communication service provider by comparing the identified characteristic of the communication to be executed with corresponding service characteristics of each of a plurality of communication services;  
means for selecting a communication service from the communication service provider having the service characteristic that correlates most closely with the identified characteristic of the communication to be executed by the device.

Spaur does not assess service information at the mobile unit. Spaur obtains channel information from the communication link database (54), and selects the channel with a link selector (64). In Spaur, both the link database and link selector are part of the network, not the mobile unit. Spaur,

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

col. 5, line 32 - col. 6, line 51. Claim 17 is thus patentably distinguished over Spaur.

Discussion of Claim 18

Regarding Claim 18, Spaur fails to disclose or suggest, in combination with Claim 17,

... means for receiving the service information from the communication service provider at the device.

Spaur does not receive service information at the mobile unit; Channel selection occurs in the network. Claim 18 is thus further patentably distinguished over Spaur.

Discussion of Claim 19

Regarding Claim 19, Spaur fails to disclose or suggest, in combination with Claim 17,

... means for requesting service information from the communication service provider.

Spaur does not request service information from the mobile unit. Claim 19 is thus further patentably distinguished over Spaur.

Discussion of Claim 20

KOTZIN  
"Methods for Mobile Communication  
Services Selection"  
Atty. Docket No. CS10423

Appl. No. 09/909,206  
Confirm. No. 9769  
Examiner S. Balban  
Art Unit 2686

Regarding Claim 20, Spaur fails to disclose or suggest, in combination with Claim 17,

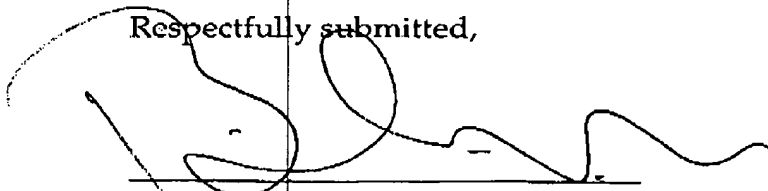
... means for weighting the identified characteristic of the communication to be executed,  
means for comparing the weighted characteristic of the communication to be executed to corresponding service characteristics of the service information.

Spaur does not perform any weighting at the mobile unit. Claim 20 is thus further patentably distinguished over Spaur.

### Prayer For Relief

In view of any amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

  
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